
HOUSE BILL No. 1169

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7; IC 5-10.3-7-2; IC 5-14-3-2; IC 6-1.1; IC 6-6-5-7; IC 9-13-2; IC 9-14; IC 9-15; IC 9-16; IC 9-18; IC 9-24-2.5; IC 9-29; IC 34-13-3-2; IC 36-1-8-11; IC 36-2-10-23.

Synopsis: Abolition of bureau of motor vehicles commission. Abolishes the bureau of motor vehicles commission. Transfers duties performed by the bureau of motor vehicles commission to the bureau of motor vehicles or to the commissioner of the bureau of motor vehicles. Repeals various provisions referring to the bureau of motor vehicle commission. Repeals the criminal penalties for violation of the duties of the office of commissioner of motor vehicles. Repeals the criminal penalty to the bureau for various violations of record keeping and dissemination. (The introduced version of this bill was prepared by the interim study committee on bureau of motor vehicle issues.)

Effective: January 1, 2002.

Liggett, Thompson

January 9, 2001, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1169

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-7-14-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2002]: Sec. 3. The bureau of motor
3 vehicles ~~commission~~ is the state's motor vehicle authority for purposes
4 of NVRA.

5 SECTION 2. IC 3-7-32-5 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JANUARY 1, 2002]: Sec. 5. (a) This section does not
7 apply to a registration by mail form.

8 (b) Each voter applying to register at the county voter registration
9 office shall, upon completing the voter registration form, receive a
10 notice of disposition stating whether the voter's name has been added
11 to the registration rolls if the application is approved.

12 (c) Each voter applying to register before ~~a~~ **the** bureau of motor
13 vehicles ~~commission~~ or ~~a~~ voter registration agency shall, upon
14 completing the voter registration application form, receive a
15 registration acknowledgement stating that the registration form will be
16 forwarded to the appropriate county voter registration office so that the
17 voter's name may be added to the registration rolls if the application is

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approved.

SECTION 3. IC 3-7-34-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. If a registration form contains all of the information required to be supplied by the voter, but does not include the information required to be supplied by the bureau of motor vehicles ~~commission~~ or a voter registration agency, the circuit court clerk or board of registration shall promptly make one (1) effort to contact the officer, commission, or agency to obtain the information.

SECTION 4. IC 3-7-34-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) The circuit court clerk or board of registration shall certify to the county election board a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles ~~commission~~ or a voter registration agency.

(b) The county election board shall notify the ~~commission~~ **bureau of motor vehicles** or agency by United States first class mail that the commission or agency is required to supply the omitted information not later than thirty (30) days after the date of the letter.

SECTION 5. IC 5-10.3-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The following employees may not be members of the fund:

(1) Officials of a political subdivision elected by vote of the people, unless the governing body specifically provides for the participation of locally elected officials.

(2) Employees occupying positions normally requiring performance of service of less than six hundred (600) hours during a year who:

(A) were hired before July 1, 1982; or

(B) are employed by a participating school corporation.

(3) Independent contractors or officers or employees paid wholly on a fee basis.

(4) Employees who occupy positions that are covered by other pension or retirement funds or plans, maintained in whole or in part by appropriations by the state or a political subdivision, except:

(A) the federal Social Security program; and

(B) the prosecuting attorneys retirement fund created by IC 33-14-9.

(5) ~~Managers or employees of a license branch of the bureau of motor vehicles commission, except those persons who may be included as members under IC 9-16-4.~~

~~(6)~~ Employees, except employees of a participating school

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corporation, hired after June 30, 1982, occupying positions normally requiring performance of service of less than one thousand (1,000) hours during a year.

~~(7)~~ (6) Persons who:

(A) are employed by the state;

(B) have been classified as federal employees by the Secretary of Agriculture of the United States; and

(C) are covered by the federal Social Security program as federal employees under 42 U.S.C. 410.

~~(8)~~ (7) Members and employees of the state lottery commission.

SECTION 6. IC 5-14-3-2, AS AMENDED BY P.L.256-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. As used in this chapter:

"Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

"Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

"Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

"Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

"Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

"Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

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(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

"Investigatory record" means information compiled in the course of the investigation of a crime.

"Patient" has the meaning set out in IC 16-18-2-272(d).

"Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

"Provider" has the meaning set out in IC 16-18-2-295(a) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

"Public agency" means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the state board of tax commissioners or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts.

(4) Any building corporation of a political subdivision that issues

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bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcoholic beverage commission, conservation officers of the department of natural resources, and the security division of the state lottery commission.

~~(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.~~

~~(8)~~ The state lottery commission, including any department, division, or office of the commission.

~~(9)~~ (8) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

~~(10)~~ (9) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

"Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, used, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

"Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

"Trade secret" has the meaning set forth in IC 24-2-3-2.

"Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation and includes the attorney's:

- (1) notes and statements taken during interviews of prospective witnesses; and
- (2) legal research or records, correspondence, reports, or

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memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 7. IC 6-1.1-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. Except as otherwise provided by law, the property owned by this state ~~or a state agency or the bureau of motor vehicles commission~~ is exempt from property taxation.

SECTION 8. IC 6-1.1-11-4, AS AMENDED BY P.L.14-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive under IC 23-14-68.

(c) ~~The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.~~

~~(d)~~ The exemption application referred to in section 3 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21; or

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; and

(2) the exemption application referred to in section 3 of this chapter was filed properly at least once after the property was designated for a religious use as described in IC 6-1.1-10-21 or an educational use as described in IC 6-1.1-10-16.

However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, this subsection does not apply.

SECTION 9. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason

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becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. ~~The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the~~

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commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

- (A) ten percent (10%) of the owner's last preceding annual excise tax liability; and

- (B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

- (2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been

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required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(g) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 10. IC 9-13-2-154 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 154. "Restricted license" means any current driving license, on which the ~~commissioner~~ **bureau** has designated restrictions.

SECTION 11. IC 9-14-1-4, AS AMENDED BY P.L.181-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. **(a)** The commissioner shall appoint and fix, subject to the approval of the governor, the salaries of the deputies, subordinate officers, clerks, **license branch managers, license branch employees,** and other employees necessary to carry out this title, IC 6-6-5, IC 6-6-5.5, and IC 6-6-11.

(b) Subject to the approval of the governor, the commissioner shall manage license branches and all equipment and funds necessary to carry out this title.

SECTION 12. IC 9-14-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. **0.5.** **The bureau shall do the following:**

- (1) Develop and continuously update the bureau's policies.**
- (2) Recommend to the governor legislation that is needed to implement the bureau's policies.**
- (3) Review, revise, adopt, and submit to the budget agency budget proposals for the bureau and the license branches operated under IC 9-16.**
- (4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.**
- (5) Establish and adopt minimum standards for the operation**

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1 **and maintenance of each full service license branch operated**
 2 **under IC 9-16.**

3 **(6) Administer the state license branch fund established under**
 4 **IC 9-29-14.**

5 SECTION 13. IC 9-14-2-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. The
 7 commissioner shall do the following:

8 (1) Administer and enforce this title and other statutes concerning
 9 the bureau.

10 (2) ~~Administer and enforce the policies and procedures of the~~
 11 ~~commission.~~

12 (3) Organize the bureau in the manner necessary to carry out the
 13 duties of the bureau.

14 (4) ~~Submit to the commission, before September 1 of each year,~~
 15 ~~budget proposals for the bureau, including license branches~~
 16 ~~staffed by employees of the commission under IC 9-16.~~

17 (5) ~~Perform other duties assigned by the commission.~~

18 **(3) Administer the state license branch fund and all license**
 19 **branches in Indiana under this article.**

20 **(4) Administer the collection and deposit of service charges by**
 21 **license branches prescribed by IC 9-29-3.**

22 **(5) Contract with a qualified person for the operation of a full**
 23 **service license branch when it appears to be in the best**
 24 **interests of the state.**

25 SECTION 14. IC 9-14-2-3.5 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2002]: Sec. 3.5. **The bureau may contract for the**
 28 **operation of full service license branches under IC 9-16-1-4 and**
 29 **partial services under IC 9-16-1-4.5.**

30 SECTION 15. IC 9-14-3-5, AS AMENDED BY P.L.225-1999,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2002]: Sec. 5. (a) Except as provided in subsection (b),
 33 (c), or (d), the bureau shall prepare and deliver information on titles,
 34 registrations, and licenses and permits upon the request of any person.
 35 All requests must be submitted in writing to the bureau and, unless
 36 exempted under IC 9-29, must be accompanied by the payment of the
 37 fee prescribed in IC 9-29-2-2.

38 (b) The bureau may not disclose the:

39 (1) Social Security number;

40 (2) federal identification number;

41 (3) driver's license number; or

42 (4) digital image of the driver's license applicant;



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1 of any person except to a law enforcement officer or an agent or a
2 designee of the department of state revenue.

3 (c) As provided under 42 U.S.C. 1973gg-3(b), the ~~commission~~
4 **bureau** may not disclose any information concerning the failure of an
5 applicant for a motor vehicle driver's license to sign a voter registration
6 application, except as authorized under IC 3-7-14.

7 (d) The ~~commission~~ **bureau** may not disclose any information
8 concerning the failure of an applicant for a title, registration, license,
9 or permit (other than a motor vehicle license described under
10 subsection (c)) to sign a voter registration application, except as
11 authorized under IC 3-7-14.

12 SECTION 16. IC 9-14-3-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 6. (a) Upon the
14 submission to the bureau of a specific written request from an
15 individual or organization for a compilation of specific information
16 requested for the purposes described in subsection (c), the bureau may
17 contract with the individual or organization to compile the requested
18 information from the records of the bureau.

19 (b) The bureau may charge an amount agreeable to the parties, as
20 described in IC 9-29-2-3.

21 (c) An individual or organization making a request under this
22 section must certify one (1) of the following:

23 (1) That the information is required for the purposes of notifying
24 vehicle owners of vehicle defects and recall for modifications,
25 and that the individual or organization will use the information
26 provided only for that purpose.

27 (2) That the information will be used only for research or
28 statistical reporting purposes and that individual identities will be
29 properly protected in the preparation of the research or reports
30 and not ascertainable from the published reports or research
31 results.

32 (3) That the information will be used for the purpose of
33 documenting the sale of motor vehicles in Indiana.

34 (4) That the information will be used for purposes of the federal
35 Selective Service System.

36 (5) That the information will be used solely for law enforcement
37 purposes by police officers.

38 (d) The ~~commission~~ **bureau** may not compile or release information
39 concerning voter registration under this section.

40 (e) The bureau shall provide the requested information under this
41 section in a format that is agreeable to the parties, including the
42 following formats:

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(1) Printed records.

(2) Microfiche.

(3) Computer disk.

SECTION 17. IC 9-14-3.5-7, AS AMENDED BY P.L.39-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) Except as provided in sections 8, 10, and 11 of this chapter:

(1) an officer or employee of the bureau;

~~(2) an officer or employee of the bureau of motor vehicles commission; or~~

~~(3) (2) a contractor of the bureau or the bureau of motor vehicles commission~~ (or an officer or employee of the contractor);

may not knowingly disclose personal information about a person obtained by the bureau in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

SECTION 18. IC 9-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. As used in this chapter, "qualified person" means any of the following:

(1) A motor club that is any of the following:

(A) A domestic corporation.

(B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.

(2) A financial institution (as defined in IC 28-1-1-3).

(3) A new motor vehicle dealer licensed under IC 9-23-2.

(4) Other persons, including persons licensed under IC 9-23-2 that are not covered by subdivision (3), that the ~~commission~~ **bureau** determines can ~~meet the standards adopted by the commission under IC 9-15-2-1(7) and the requirements for partial service contractors under section 4.5 of this chapter.~~ **perform the duties set forth in IC 9-14.**

SECTION 19. IC 9-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The ~~commission~~ **commissioner** shall operate or be responsible for the administration of all license branches in Indiana under this article.

SECTION 20. IC 9-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. (a) License branches have all the powers and duties assigned to license branches by statute and by the commissioner.

(b) The commissioner shall assign to license branches those functions that:

(1) the ~~commission or the~~ bureau is legally required or authorized

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1 to perform; and

2 (2) cannot be adequately performed by the ~~commission or the~~
3 bureau without assistance from the license branches.

4 SECTION 21. IC 9-16-1-4 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The
6 ~~commission bureau~~ may contract with a qualified person for:

7 (1) the operation of a full service license branch under this
8 section; or

9 (2) providing partial services **through electronic means** under
10 section 4.5 of this chapter.

11 (b) A contract for the operation of a full service license branch must
12 include the following provisions:

13 (1) The contractor shall provide a full service license branch,
14 including the following services:

15 (A) Vehicle titles.

16 (B) Vehicle registration.

17 (C) Driver's licenses.

18 (D) Voter registration as provided in IC 3-7.

19 (2) The contractor shall provide trained personnel to properly
20 process branch transactions.

21 (3) The contractor shall do the following:

22 (A) Collect and transmit all bureau fees and taxes collected at
23 the license branch.

24 (B) Deposit the taxes collected at the license branch with the
25 county treasurer in the manner prescribed by IC 6-3.5 or
26 IC 6-6-5.

27 (4) The contractor shall generate a transaction volume sufficient
28 to justify the installation of bureau support systems.

29 (5) The contractor shall provide fidelity bond coverage in an
30 amount prescribed by the ~~commission~~ **bureau**.

31 (6) The contractor may operate the license branch within a facility
32 used for other purposes.

33 (7) The contractor shall pay the cost of any post audits conducted
34 by the ~~commission bureau~~ or the state board of accounts on an
35 actual cost basis.

36 ~~(8) The commission shall provide support systems and driver's~~
37 ~~license examiners on the same basis as state operated branches.~~

38 ~~(9) The commission shall provide the same equipment to~~
39 ~~contractors as is provided to state operated branches.~~

40 ~~(+0) (8) The commission bureau~~ must approve each location and
41 physical facility based upon criteria developed by the
42 ~~commission bureau~~.

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~~(11)~~ (9) The term of the contract must be for a fixed period.

~~(12)~~ (10) The contractor shall agree to provide voter registration services and to perform the same duties imposed on the **commission bureau** under IC 3-7.

SECTION 22. IC 9-16-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4.5. (a) The **commission bureau** may contract with a qualified person to provide partial services at a qualified person's walk-up location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access: **through electronic means.**

(b) A contract for providing motor vehicle registration and renewal services at a walk-up location **partial services through electronic means** must include the following provisions:

(1) ~~The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions:~~

~~(2)~~ The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

~~(3)~~ (2) The contractor shall provide fidelity bond coverage in an amount prescribed by the **commission bureau.**

~~(4)~~ (3) The contractor shall pay the cost of any post audits conducted by the **commission bureau** or the state board of accounts on an actual cost basis.

~~(5)~~ (4) The **commission bureau** must approve each location and physical facility used by a contractor.

~~(6)~~ (5) The term of the contract must be for a fixed period.

SECTION 23. IC 9-16-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The **commission bureau** shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and 42 U.S.C. 1973gg-3.

SECTION 24. IC 9-16-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. The registration forms provided under section 3 of this chapter must be:

(1) prescribed by the Indiana election commission to permit the NVRA official to fulfill the NVRA official's reporting duties under 42 U.S.C. 1973gg-7(a)(3) and IC 3-7-11-2; and



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(2) placed in an easily accessible location within the branch, so that members of the public may obtain the forms without further assistance from **employees of the ~~commission~~ bureau.**

SECTION 25. IC 9-18-2-1, AS AMENDED BY P.L.181-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must register all motor vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; and
- (2) will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person must register all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

(d) Except as provided in subsection (e), an Indiana resident must register all motor vehicles operated in Indiana.

(e) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(f) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

- (1) the Indiana resident is:
 - (A) an active member of the armed forces of the United States; and
 - (B) assigned to a duty station outside Indiana; and
- (2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(g) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (f), the Indiana resident may submit an affidavit that:

- (1) states facts demonstrating that the motor vehicle is a motor



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1 vehicle described in subsection (e); and
 2 (2) is signed by the owner of the motor vehicle under penalties of
 3 perjury;
 4 as sufficient proof that the owner of the motor vehicle is not required
 5 to register the motor vehicle during a registration year described in
 6 subsection (f). The ~~commission or~~ bureau may not require the Indiana
 7 resident to pay any civil penalty or any reinstatement or other fee that
 8 is not also charged to other motor vehicles being registered in the same
 9 registration year.

10 SECTION 26. IC 9-18-29-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The fee for
 12 an environmental license plate is as follows:

13 (1) The appropriate fee under IC 9-29-5-38.

14 (2) An annual fee of twenty-five dollars (\$25).

15 (b) The annual fee referred to in subsection (a)(2) shall be collected
 16 by the bureau. ~~of motor vehicles commission.~~

17 SECTION 27. IC 9-18-30-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The fee for
 19 a children's trust license plate is as follows:

20 (1) The appropriate fee under IC 9-29-5-38.

21 (2) An annual fee of twenty-five dollars (\$25).

22 (b) The annual fee referred to in subsection (a)(2) shall be collected
 23 by the bureau. ~~of motor vehicles commission.~~

24 SECTION 28. IC 9-24-2.5-1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. This chapter
 26 prescribes the procedures to be followed by the ~~commission~~ bureau in
 27 processing voter registration applications under 42 U.S.C. 1973gg-3
 28 and IC 3-7-14.

29 SECTION 29. IC 9-24-2.5-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The manager
 31 of each license branch may designate an employee of the license
 32 branch as the individual responsible for performing the voter
 33 registration duties of the ~~commission~~ bureau under this chapter at that
 34 license branch. The employee designated under this section shall
 35 supervise the registration of voters by other employees of the license
 36 branch and shall perform any other registration duty required to be
 37 performed by the license branch under this chapter. Notwithstanding
 38 this designation, any employee of the license branch may perform
 39 registration duties in accordance with this chapter.

40 SECTION 30. IC 9-24-2.5-3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. If the manager
 42 does not designate an employee under section 2 of this chapter, the

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1 manager is the individual responsible for performing the voter
 2 registration duties of the ~~commission~~ **bureau** under this chapter at that
 3 license branch. The manager shall supervise the registration of voters
 4 by other employees of the license branch and shall perform any other
 5 registration duty required to be performed by the license branch under
 6 this chapter. Notwithstanding the designation of the manager under this
 7 section, any employee of the license branch may perform registration
 8 duties in accordance with this chapter.

9 SECTION 31. IC 9-24-2.5-8 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 8. (a) The
 11 co-directors of the election division shall provide the ~~commission~~
 12 **bureau** with a list of the current addresses and telephone numbers of
 13 the offices of the circuit court clerk or board of registration in each
 14 county. The ~~commission~~ **bureau** shall promptly forward the list and
 15 each revision of the list to each license branch.

16 (b) The co-directors of the election division shall provide the
 17 ~~commission~~ **bureau** with pre-addressed packets for the ~~commission~~
 18 **bureau** to transmit applications under section 6(1) or 6(2) of this
 19 chapter.

20 SECTION 32. IC 9-24-2.5-10 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 10. The
 22 co-directors of the election division shall notify the ~~commission~~
 23 **bureau** of the following:

- 24 (1) The scheduled date of each primary, general, municipal, and
 25 special election.
- 26 (2) The jurisdiction in which the election will be held.
- 27 (3) The date when registration ceases under IC 3-7-13-10 before
 28 each primary, general, municipal, and special election.

29 SECTION 33. IC 9-24-2.5-11 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 11. The
 31 ~~commission~~ **bureau** shall provide the co-directors of the election
 32 division with a list stating the following:

- 33 (1) The address and telephone number of each license branch.
- 34 (2) The name of the manager of the license branch and any
 35 employee designated by the manager to be responsible for
 36 performing voter registration duties under this chapter.

37 SECTION 34. IC 9-29-1-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. (a) Money from
 39 the increases in fees levied by the 1969 regular session of the general
 40 assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9,
 41 IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7,
 42 IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14,

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and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection ~~(c)~~ (d), after June 30, 1997, **and before January 1, 2002**, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3
 IC 9-29-5
 IC 9-29-9-1
 IC 9-29-9-2
 IC 9-29-9-3
 IC 9-29-9-4
 IC 9-29-9-5
 IC 9-29-9-6
 IC 9-29-9-7
 IC 9-29-9-8
 IC 9-29-9-9
 IC 9-29-9-10
 IC 9-29-9-11
 IC 9-29-9-13
 IC 9-29-9-14
 IC 9-29-15-1
 IC 9-29-15-2
 IC 9-29-15-3
 IC 9-29-15-4

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (d), the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

**IC 9-29-4-3
 IC 9-29-5
 IC 9-29-9-1
 IC 9-29-9-2
 IC 9-29-9-3
 IC 9-29-9-4**

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1 IC 9-29-9-5

2 IC 9-29-9-6

3 IC 9-29-9-7

4 IC 9-29-9-8

5 IC 9-29-9-9

6 IC 9-29-9-10

7 IC 9-29-9-11

8 IC 9-29-9-13

9 IC 9-29-9-14

10 IC 9-29-15-1

11 IC 9-29-15-2

12 IC 9-29-15-3

13 IC 9-29-15-4

14 **The amount of fees increased under this section shall first be**
 15 **deposited into the crossroads 2000 fund established by**
 16 **IC 8-14-10-9.**

17 (d) The bureau's authority to adopt rules under subsection (b) is
 18 subject to the condition that a fee increase must be uniform through out
 19 all license branches and at all partial service locations in Indiana.

20 SECTION 35. IC 9-29-3-19 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 19. (a) Subject to
 22 subsection (b), ~~and with the approval of the commission~~, the bureau
 23 may adopt rules under IC 4-22-2 to do the following:

24 (1) Increase or decrease any of the service charges listed in
 25 sections 1 through 18 of this chapter.

26 (2) Impose a service charge on any other license branch service
 27 that is not listed in sections 1 through 18 of this chapter.

28 (3) Increase or decrease a service charge imposed under
 29 subdivision (2).

30 (b) The bureau's authority to adopt rules under subsection (a) is
 31 subject to the condition that a service charge must be uniform
 32 throughout all license branches and at all partial service locations in
 33 Indiana.

34 SECTION 36. IC 9-29-14-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. The state
 36 license branch fund is established for the purpose of paying the
 37 expenses incurred in administering ~~IC 9-16 IC 9-14~~. The fund shall be
 38 administered by the ~~commission~~ **bureau**.

39 SECTION 37. IC 9-29-14-4 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. There is
 41 annually appropriated to the ~~commission~~ **bureau** the money in the fund
 42 for its use in carrying out the purposes of ~~IC 9-16 IC 9-14~~ subject to

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the approval of the budget agency.

SECTION 38. IC 34-13-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. This chapter **applies does not apply** to a claim or suit in tort against **any of the** following:

(1) ~~A member of the bureau of motor vehicles commission established under IC 9-15-1-1.~~

(2) ~~An employee of the bureau of motor vehicles commission who is employed at a license branch under IC 9-16, except for an employee employed:~~

(1) at a license branch; **or**

(2) **by an employer offering partial services through electronic means;**

operated under a contract with the ~~commission bureau~~ under IC 9-16.

SECTION 39. IC 36-1-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 11. (a) This section does not apply to a county treasurer governed by IC 36-2-10-23.

(b) As used in this section, "credit card" means a:

- (1) credit card;
- (2) debit card;
- (3) charge card; or
- (4) stored value card.

(c) A payment to a political subdivision or a municipally owned utility for any purpose may be made by any of the following financial instruments that the fiscal body of the political subdivision or the board of the municipally owned utility authorizes for use:

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.
- (7) Any other financial instrument authorized by the fiscal body.

(d) If there is a charge to the political subdivision or municipally owned utility for the use of a financial instrument other than a bank card or credit card, the political subdivision or municipally owned utility shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(e) If authorized by the fiscal body of the political subdivision or the board of the municipally owned utility, the political subdivision or municipally owned utility may accept payments under this section with a bank card or credit card under the procedures set forth in this section.



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1 However, the procedure authorized for a particular type of payment
2 must be uniformly applied to all payments of the same type.

3 (f) The political subdivision or municipally owned utility may
4 contract with a bank card or credit card vendor for acceptance of bank
5 cards or credit cards.

6 (g) The political subdivision or municipally owned utility may pay
7 any applicable bank card or credit card service charge associated with
8 the use of a bank card or credit card under this subsection.

9 (h) The authorization of the fiscal body of the political subdivision
10 is not required by the bureau of motor vehicles ~~or the bureau of motor~~
11 ~~vehicles commission~~ to use electronic funds transfer or other financial
12 instruments to transfer funds to the political subdivision.

13 SECTION 40. IC 36-2-10-23 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 23. (a)
15 Notwithstanding any other law, payments to the treasurer for any
16 purpose, including property tax payments, may be made by any of the
17 following financial instruments that the treasurer authorizes for use:

18 (1) Cash.

19 (2) Check.

20 (3) Bank draft.

21 (4) Money order.

22 (5) Bank card or credit card.

23 (6) Electronic funds transfer.

24 (7) Any other financial instrument authorized by the treasurer.

25 (b) If there is a charge to the treasurer for the use of a financial
26 instrument other than a bank card or credit card, the treasurer shall
27 collect a sum equal to the amount of the charge from the person who
28 uses the financial instrument.

29 (c) A treasurer may contract with a bank card or credit card vendor
30 for acceptance of bank or credit cards. However, if there is a vendor
31 transaction charge or discount fee, whether billed to the treasurer or
32 charged directly to the treasurer's account, the treasurer shall collect
33 from the person using the card an official fee that may not exceed the
34 highest transaction charge or discount fee charged to the treasurer by
35 bank or credit card vendors during the most recent collection period.
36 This fee may be collected regardless of retail merchant agreements
37 between the bank and credit card vendors that may prohibit such a fee.
38 The fee is a permitted additional charge under IC 24-4.5-3-202.

39 (d) Notwithstanding subsection (a), the authorization of the treasurer
40 is not required for the bureau of motor vehicles ~~or the bureau of motor~~
41 ~~vehicles commission~~ to use electronic funds transfer or other financial
42 instruments to transfer funds to the county treasurer.

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1 SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE
2 JANUARY 1, 2002]: IC 9-13-2-32; IC 9-13-2-138; IC 9-14-1-6;
3 IC 9-14-2-7; IC 9-14-3-11; IC 9-15; IC 9-16-2-1; IC 9-16-2-2;
4 IC 9-16-2-3; IC 9-16-2-4; IC 9-16-2-5; IC 9-16-3-1; IC 9-16-3-2;
5 IC 9-16-3-3; IC 9-16-3-4; IC 9-16-4-1; IC 9-16-4-2.

6 SECTION 42. [EFFECTIVE JANUARY 1, 2002] **The rules**
7 **adopted by the bureau of motor vehicles commission before**
8 **January 1, 2002, concerning the administration of the personnel**
9 **policies and practices of the license branches operating under the**
10 **bureau of motor vehicles commission are considered, after**
11 **December 31, 2001, rules of the bureau of motor vehicles.**

12 SECTION 43. [EFFECTIVE JANUARY 1, 2002] **On January 1,**
13 **2002, the bureau of motor vehicles becomes the owner of all real**
14 **and personal property of the bureau of motor vehicles commission**
15 **abolished by this act.**

16 SECTION 44. [EFFECTIVE JANUARY 1, 2002] **Any fund under**
17 **the control or supervision of the bureau of motor vehicles**
18 **commission on December 31, 2001, shall be transferred to the**
19 **control or supervision of the bureau of motor vehicles on January**
20 **1, 2002.**

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